

SENATE BILL NO. 2170

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to create and enact a new section to chapter 14-08.1 and a new section to
2 chapter 14-19 of the North Dakota Century Code, relating to certification of child support
3 records and the duties of voluntary paternity establishment service entities; to amend and
4 reenact subsection 1 of section 14-09-08.4, sections 14-09-08.6, 14-09-08.11, 14-09-09.6,
5 14-09-09.15, 14-09-09.16, 14-09-09.28, 14-09-27, subsection 3 of section 14-17-11,
6 subsection 4 of section 14-17-14, sections 14-17-17, 14-19-01, 14-19-05, 14-19-07, 14-19-08,
7 39-06-07, section 50-09-02.4, subdivision h of subsection 1 of section 50-09-08.2, sections
8 50-09-08.3, and 50-09-08.5 of the North Dakota Century Code, relating to technical and
9 conforming amendments to child support laws; and to repeal section 14-09-14 of the North
10 Dakota Century Code, relating to exceptions to parental liability for child support.

11 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

12 **SECTION 1.** A new section to chapter 14-08.1 of the North Dakota Century Code is
13 created and enacted as follows:

14 **Certification of records.** The clerk of court and any authorized agent of the public
15 authority or a child support agency, in any circumstance or proceeding requiring proof of the
16 contents of the official records of the state regarding any information maintained in the state
17 case registry of the automated data processing system established under section 50-09-02.1,
18 may certify the content of those records. A certification provided under this section is prima
19 facie evidence of the contents of those records.

20 **SECTION 2. AMENDMENT.** Subsection 1 of section 14-09-08.4 of the North Dakota
21 Century Code is amended and reenacted as follows:

22 1. Each child support order must be reviewed by the child support agency no less
23 frequently than thirty-six months after the establishment of the order or the most

- 1 recent amendment or review of the order by the court or child support agency
2 unless:
- 3 a. In the case of an order with respect to which there is in effect an assignment
4 under chapter 50-09 ~~or 50-24.4~~, the child support agency has determined that
5 a review is not in the best interests of the child and neither the obligor nor the
6 obligee has requested review; or
- 7 b. In the case of any other order neither the obligor nor the obligee has
8 requested review.

9 **SECTION 3. AMENDMENT.** Section 14-09-08.6 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **14-09-08.6. Obligor's duties upon review - Failure to provide information.**

- 12 1. The obligor shall provide information to the child support agency concerning the
13 obligor's income, which is sufficient to accomplish the review, no later than five
14 working days before the date of review. The information must be furnished by:
- 15 a. ~~Providing~~ providing an income report, in the form and manner required by the
16 ~~child support agency public authority~~, accurately completed and attested to by
17 the obligor; and providing:
- 18 b. a. ~~Providing a~~ A verified copy of the latest income tax return, filed with the
19 internal revenue service or any state official administering a state income tax,
20 which accurately reports the obligor's income for a fiscal year ending no more
21 than seventeen months prior to the date of the review; or
- 22 e. b. ~~Providing a~~ A written authorization by which the child support agency may
23 secure a verified copy of the latest income tax return, filed with the tax
24 commissioner, which accurately reports the obligor's income for a fiscal year
25 ending no more than seventeen months prior to the date of review.
- 26 2. ~~If information concerning the obligor's income sufficient to accomplish the review~~
27 ~~has not been timely furnished by the obligor, the child support agency may apply to~~
28 ~~the court for an order compelling the obligor to furnish information sufficient to~~
29 ~~accomplish the review.~~
- 30 3. ~~If an application to the court made pursuant to subsection 2 has not resulted in the~~
31 ~~production of~~ the obligor has not produced information under subsection 1

1 concerning the obligor's income, sufficient to accomplish the review, the child
2 support agency may base its review determination on the assumption that the
3 obligor's income has increased at the rate of ten percent per year since the child
4 support order under review was entered or last modified.

5 **SECTION 4. AMENDMENT.** Section 14-09-08.11 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **14-09-08.11. Eligible child - Employer to permit enrollment.**

- 8 1. When an obligor is required to cover a minor child as a beneficiary under section
9 14-09-08.10, the child is eligible for health insurance coverage as a dependent of
10 the obligor until the child's eighteenth birthday or until further order of the court. If
11 health insurance coverage required under section 14-09-08.10 is available through
12 an income ~~payer~~ payor, the income ~~payer~~ payor must:
- 13 a. Permit the obligor to enroll under family coverage any child who is otherwise
14 eligible for coverage without regard to any open enrollment restrictions;
 - 15 b. If the obligor is enrolled but fails to make application to obtain coverage for the
16 child, enroll the child under family coverage upon application by the obligee;
 - 17 c. If the obligor is enrolled but fails to make application to obtain coverage for the
18 child, enroll the child under family coverage upon application ~~to~~ by the public
19 authority, subject to subsection 2, whenever the child receives:
 - 20 (1) Benefits through ~~a demonstration project established under section~~
21 ~~50-06-01.8~~; temporary assistance for needy families or foster care
22 under chapter 50-09, or medical assistance under chapter 50-24.1; or
 - 23 (2) Services provided upon application of an obligee to the child support
24 agency;
 - 25 d. Not disenroll or eliminate coverage for any child unless the income ~~payer~~
26 payor is provided satisfactory written evidence that:
 - 27 (1) The order issued under section 14-09-08.10 is no longer in effect;
 - 28 (2) The child is or will be enrolled in comparable coverage that will take
29 effect no later than the effective date of disenrollment; or
 - 30 (3) The income ~~payer~~ payor has eliminated family health coverage for all of
31 its employees;

- 1 e. Withhold from the obligor's compensation the obligor's share, if any, of
2 premiums for health insurance coverage and pay this amount to the health
3 insurance provider; and
- 4 f. If the amount required to be withheld under subdivision e, either alone or
5 when added to the total of any withholding required by an order issued under
6 section 14-09-09.15, exceeds fifty percent of the obligor's disposable income,
7 withhold fifty percent of the obligor's disposable income.
- 8 2. Before making application under subdivision c of subsection 1, the public authority
9 shall provide notice to the obligor that the obligor may contest the proposed
10 application by filing a written request for a hearing within ten days of the date the
11 notice is issued. If the obligor contests the application for coverage, a hearing
12 must be held, and the court shall require the public authority to make application if
13 it determines coverage for the child is available to the obligor at reasonable cost.
- 14 3. Withholding required by an order issued under section 14-09-09.15 must be
15 satisfied before any payment is made to the health insurance provider. If the
16 amount remaining is insufficient to pay the obligor's share of premiums for health
17 insurance coverage, the obligor may authorize additional withholding to pay the
18 obligor's share. If the obligor does not authorize additional withholding, and the
19 health insurance coverage will lapse as a result, the income ~~payor~~ payor must
20 promptly inform the clerk of court or public authority that issued the order under
21 section 14-09-09.15 of the insufficiency.

22 **SECTION 5. AMENDMENT.** Section 14-09-09.6 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **14-09-09.6. Voluntary income withholding for support - Limitations.** An obligor
25 may execute a document voluntarily authorizing income withholding from current or future
26 income due the obligor from an income payor in an amount sufficient to meet any child support
27 obligation imposed by a court or otherwise. An income withholding authorization made under
28 this section is binding on the income payor one week after service upon the income payor by
29 ~~personal service or by certified~~ first-class mail, or in any other manner agreed to by the income
30 payor, of a true copy of the executed income withholding authorization. The income payor shall
31 deduct the sum or sums specified and pay them as specified by the income withholding

1 authorization and any applicable imposition of a support obligation by a court. In addition, the
2 income payor may deduct a fee of three dollars per month from the obligor's income to cover
3 expenses involved in transmitting payment. Compliance by an income payor with an income
4 withholding authorization issued under this section discharges the income payor's liability to the
5 obligor for that portion of the obligor's income. The income payor may not use the income
6 withholding authorization as a basis for any disciplinary action against the obligor.

7 **SECTION 6. AMENDMENT.** Section 14-09-09.15 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **14-09-09.15. Form - Effect of income withholding order.** The income withholding
10 order must be issued in the name of the state of North Dakota, ~~be attested in the name of the~~
11 ~~judge, subscribed by the clerk or a designee of the public authority~~ in the standard format for
12 notice of the order prescribed by the secretary of the United States department of health and
13 human services under authority of 42 U.S.C. 666(b)(6)(A)(ii), contain only the information
14 necessary for the income payor to comply with the income withholding order, and directed to all
15 current and subsequent income payors of the obligor. The income withholding order is binding
16 on the income payor until further notice by the clerk or the public authority and applies to all
17 current and subsequent periods in which income is owed the obligor by the income payor. The
18 income withholding order has priority over any other legal process against the same income.

19 **SECTION 7. AMENDMENT.** Section 14-09-09.16 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **14-09-09.16. Service of income withholding order on income payor.** The clerk of
22 court or the public authority shall serve the income withholding order on the income payor ~~in the~~
23 ~~manner provided for service of a summons in a civil action~~ by first-class mail or in any other
24 manner agreed to by the income payor, and upon the obligor by first-class mail to the obligor's
25 last known address. If the obligor is subject to immediate income withholding under section
26 14-09-09.24, an income withholding order must be served on any known income payor within
27 ~~five two~~ two business days of the ~~issuance of the judgment or order which requires the payment of~~
28 ~~child support~~ date of receipt of information necessary to carry out income withholding. Subject
29 to the provisions of section 14-09-09.17, if service of an income withholding order has been or
30 may have been properly made under this section, an income withholding order must be served
31 on any subsequently identified income payor within ~~five two~~ two business days ~~after the issuer is~~

1 ~~informed of the name and address of such an income payor of the date of receipt of information~~
2 ~~necessary to carry out income withholding.~~ An income withholding order may also be issued
3 and served at the request of the obligor. ~~The income withholding order, upon certification by~~
4 ~~the public authority to the secretary of state and the legislative council that the secretary of the~~
5 ~~United States department of health and human services, under authority of 42 U.S.C.~~
6 ~~666(b)(6)(A)(ii), has prescribed a standard format for notice of the order, must be in that~~
7 ~~standard format and contain only the information necessary for the income payor to comply with~~
8 ~~the withholding order. Before that certification, the income withholding order must state all of~~
9 ~~the following:~~

- 10 4. ~~That the obligor is properly subject to an income withholding order and that the~~
11 ~~income payor is therefore required to withhold a stated amount, determined under~~
12 ~~section 14-09-09.30, from the obligor's income at the time the obligor is paid for~~
13 ~~transmittal to the clerk of court or the public authority within seven business days of~~
14 ~~the date the obligor is paid, together with a report of the date upon which the~~
15 ~~amount was withheld from the obligor's income.~~
- 16 2. ~~That the income payor may also withhold and retain an additional sum of three~~
17 ~~dollars per month from the obligor's income to cover expenses involved in~~
18 ~~transmitting payment.~~
- 19 3. ~~That the amount to be withheld, including amounts to cover expenses involved in~~
20 ~~transmitting payment, may not exceed fifty percent of the obligor's disposable~~
21 ~~income from this income payor, but a payment of an amount less than the ordered~~
22 ~~amount must be accompanied by a written calculation disclosing any of the~~
23 ~~obligor's income and disposable income which is payable by the income payor.~~
- 24 4. ~~That the income payor shall begin withholding no later than the first payday that~~
25 ~~occurs after service of the income withholding order.~~
- 26 5. ~~That if the income payor is served with more than one income withholding order~~
27 ~~issued under this chapter on a single obligor and the combined total amount to be~~
28 ~~paid under the income withholding orders exceeds fifty percent of the obligor's~~
29 ~~disposable income the income payor shall withhold the maximum amount~~
30 ~~permitted, and transmit to the clerk of court or the public authority that portion~~
31 ~~thereof which the obligee's claim bears to the combined total of all claims.~~

- 1 6. ~~That the income payor shall notify the clerk of court or the public authority in writing~~
2 ~~of the termination of a duty to pay income to the obligor within seven business days~~
3 ~~of the termination. The notification must include the name and address of the~~
4 ~~obligor's subsequent income payor, if known.~~
- 5 7. ~~That if the income payor is subject to income withholding orders for more than one~~
6 ~~obligor:~~
- 7 a. ~~Prior to the system implementation date, the income payor may combine in a~~
8 ~~single payment the amounts for all obligors who have been ordered to pay the~~
9 ~~same clerk of court with identification of the amount attributable to each~~
10 ~~obligor; and~~
- 11 b. ~~Thereafter the income payor may combine in a single payment the amounts~~
12 ~~for all obligors who have been ordered to pay the public authority with~~
13 ~~identification of the amount attributed to each obligor.~~
- 14 8. ~~That failure to comply with the income withholding order will subject the income~~
15 ~~payor to penalties provided under section 14-09-09.3.~~
- 16 9. ~~That the withholding order has priority over any other legal process under state law~~
17 ~~against the same wages.~~
- 18 10. ~~If appropriate, that the obligor is required to provide health insurance coverage for~~
19 ~~a child who is the subject of a child support order.~~

20 **SECTION 8. AMENDMENT.** Section 14-09-09.28 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **14-09-09.28. Application to existing cases.** Sections 14-09-09.26, 14-09-09.27,
23 ~~14-12.1-12, subsection 3 of section 14-12.1-18, and section 14-12.1-38~~ 14-12.2-19, and
24 14-12.2-20 apply to actions filed prior to July 7, 1991.

25 **SECTION 9. AMENDMENT.** Section 14-09-27 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **14-09-27. (Effective July 1, 1999) State disbursement unit fund - Continuing**
28 ~~appropriation~~ **Correction of errors.** All moneys deposited in the state disbursement unit
29 fund ~~are appropriated to the public authority for disbursement~~ may be disbursed to obligees
30 entitled to child support payments collected. Any disbursement made in error is not a gift and
31 must be repaid. The public authority may take any action, not inconsistent with title IV-D of the

1 Social Security Act [Pub. L. 93-647; 88 Stat. 2351; 42 U.S.C. 651 et seq.] to secure repayment
2 of any disbursement made in error.

3 **SECTION 10. AMENDMENT.** Subsection 3 of section 14-17-11 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 3. Genetic test results, weighted in accordance with evidence, if available, of the
6 statistical probability of the alleged father's paternity. ~~Verified documentation~~
7 Documentation of the chain of custody of the genetic specimens, provided by an
8 examiner appointed under section 14-17-10, is competent evidence to establish
9 the chain of custody. A ~~verified~~ report obtained from an examiner appointed
10 ~~pursuant to~~ under section 14-17-10 must be admitted at trial unless a written
11 objection to the testing procedures or the results of genetic analysis has been
12 made at least ten days before trial or at an earlier time determined by the court.

13 **SECTION 11. AMENDMENT.** Subsection 4 of section 14-17-14 of the North Dakota
14 Century Code is amended and reenacted as follows:

15 4. Support judgments or orders ~~ordinarily~~ for future support must be for ~~periodic~~
16 monthly payments which may vary in amount must be in amounts consistent with
17 guidelines established under section 14-09-09.7. ~~In the best interest of the child, a~~
18 ~~lump sum payment or the purchase of an annuity may be ordered in lieu of periodic~~
19 ~~payments of support. The court may limit the father's liability for past support of~~
20 ~~the child to the proportion of the expenses already incurred that the court deems~~
21 ~~just.~~

22 **SECTION 12. AMENDMENT.** Section 14-17-17 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **14-17-17. Modification of judgment or order.** The court has continuing jurisdiction to
25 modify a judgment or order for future support, custody, and rights of visitation for the child.

26 **SECTION 13. AMENDMENT.** Section 14-19-01 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **14-19-01. Definitions.** In this chapter, unless the context otherwise requires:

- 29 1. "Birthing hospital" means a hospital licensed under chapter 23-16 which provides
30 obstetrical services.
- 31 2. "Department" means the department of human services.

- 1 3. "Donor" means a woman whose body produced an egg for the purposes of
2 assisted conception but does not include a woman whose body produces an egg
3 used for the purpose of conceiving a child for that woman.
- 4 4. "Gestational carrier" means a woman who enters into an agreement to have an
5 embryo implanted in her and bear the resulting child for intended parents, where
6 the embryo is conceived by using the egg and sperm of the intended parents.
- 7 5. "Married woman" includes a woman who attempted to marry by a marriage
8 solemnized in apparent compliance with law, although the attempted marriage is or
9 could be declared invalid.
- 10 6. "Mother" means a woman who gives birth to a child or, if pregnancy resulted from
11 assisted conception, the woman who is the donor but not the woman who is the
12 gestational carrier.
- 13 7. "Party" means the man with whom the relationship of father and child is sought or
14 established, the child's mother, and, for purposes of proceedings to relieve a party
15 of the relationship of father and child, the child.
- 16 8. "Relationship of father and child" means the legal relationship existing between a
17 father and the father's natural or adoptive child incident to which the law confers or
18 imposes rights, privileges, duties, and obligations.
- 19 9. "Voluntary paternity establishment service entity" means the state department of
20 health and any child support agency, as that term is defined in section
21 14-09-09.10.

22 **SECTION 14. AMENDMENT.** Section 14-19-05 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **14-19-05. Filing of acknowledgment –~~Services provided.~~** An acknowledgment of
25 paternity made under this chapter must be filed with the state department of health. Upon
26 request of the department, the state department of health shall furnish a certified copy of an
27 acknowledgment of paternity to the department. ~~The state department of health shall offer~~
28 ~~voluntary paternity establishment services.~~

29 **SECTION 15.** A new section to chapter 14-19 of the North Dakota Century Code is
30 created and enacted as follows:

31 **Voluntary paternity establishment service entities - Duties.**

- 1 1. At any time after an unmarried woman is determined to be pregnant, a voluntary
2 paternity establishment entity may:
- 3 a. Provide to the mother and the alleged father, if the alleged father is present:
- 4 (1) Written materials about paternity establishment;
5 (2) The forms necessary to voluntarily acknowledge paternity;
6 (3) A written and oral description of the rights, responsibilities, and legal
7 consequences of establishing paternity; and
8 (4) The opportunity to speak, either by telephone or in person, with staff
9 who are trained to clarify information and answer questions about
10 paternity establishment; and
- 11 b. Provide the mother and the alleged father, if the alleged father is present, the
12 opportunity to voluntarily acknowledge paternity;
- 13 2. Before accepting a voluntary acknowledgment of paternity, a voluntary paternity
14 establishment service entity shall afford due process safeguards by informing, in
15 writing, the mother and the alleged father, if the alleged father is present, of the
16 manner in which a relationship of father and child established under this chapter
17 may be vacated or rescinded.
- 18 3. A voluntary paternity establishment service entity shall forward completed
19 acknowledgments to the state department of health.

20 **SECTION 16. AMENDMENT.** Section 14-19-07 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **14-19-07. Immunity from liability.** A hospital, ~~is~~ a voluntary paternity establishment
23 service entity, and the agents; or ~~is~~ employees of either, acting in accordance with this chapter
24 or attempting in good faith to do so, are immune from civil liability for that activity.

25 **SECTION 17. AMENDMENT.** Section 14-19-08 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **14-19-08. Powers and duties of the department.** The department shall:

- 28 1. Provide each birthing hospital and voluntary paternity establishment service entity
29 in the state:
- 30 a. Written materials about paternity establishment.
- 31 b. Forms necessary to voluntarily acknowledge paternity.

- 1 c. A written description of the rights and responsibilities of acknowledging
2 paternity.
- 3 2. Provide training, guidance, and written instructions regarding voluntary
4 acknowledgment of paternity reasonably necessary to assist a birthing hospital or
5 voluntary paternity establishment service entity in its duties under this chapter.
- 6 3. In cooperation with the state department of health, secure information on each
7 voluntary paternity establishment service entities and each birthing hospital's
8 paternity acknowledgment program at least annually.
- 9 4. In cases involving applications for child support services made to a child support
10 agency which require paternity establishment, determine if a voluntary paternity
11 acknowledgment has been filed with the state department of health.
- 12 5. Assure that the same procedures governing birthing hospitals apply to voluntary
13 paternity establishment service entities, including use of the same notice
14 provisions, the same materials, the same evaluation methods, and the same
15 training for personnel.

16 **SECTION 18. AMENDMENT.** Section 39-06-07 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **39-06-07. Application for license or instruction permit.**

- 19 1. Every application for an instruction permit or for an operator's license must be
20 made upon a form furnished by the director.
- 21 2. Every application must state the full name, date of birth, sex, social security
22 number, residence and mailing address, and briefly describe the applicant. In
23 signing the application the applicant is deemed to have certified that all information
24 contained on the application is true and correct. The application must be
25 accompanied by the proper fee. The application must also provide for the
26 voluntary identification of the applicant as a donor under the provisions of chapter
27 23-06.2. The application must contain such other information as the director may
28 require.
- 29 3. Whenever an application is received from a person previously licensed in another
30 jurisdiction, the director may request a copy of the driver's record from such other
31 jurisdiction. When received, the driving record becomes a part of the driving record

1 in this state with the same force and effect as though entered on the driving record
2 in this state in the original instance.

3 4. Whenever the director receives a request for a driving record from another
4 licensing jurisdiction, the record must be forwarded without charge.

5 **SECTION 19. AMENDMENT.** Section 50-09-02.4 of the 1997 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **50-09-02.4. (Effective July 1, 1999) State case registry.**

8 1. The statewide automated data processing system established under
9 section 50-09-02.1 must include a registry that contains records with respect to:

10 a. Each child support case in which services are being provided by the state
11 agency or a child support agency under title IV-D; and

12 b. Each child support order established or modified in this state on or after
13 October 1, 1998.

14 2. The case records must use standardized data elements for both parents and
15 contain other information the secretary requires.

16 3. Each case record concerning a case with respect to which services are being
17 provided by the state agency or a child support agency under title IV-D must:

18 a. Include payment records consistent with the requirements of title IV-D, which
19 include:

20 (1) The amount of current monthly or other periodic support owed under
21 the order and other amounts, including arrearages, interest, late
22 payment penalties, fees, and amounts determined under
23 section 14-09-09.30, due or past due under the order;

24 (2) Any amount described in paragraph 1 that has been collected;

25 (3) The distribution of collected amounts;

26 (4) The birthdate and the social security number of any child for whom an
27 order requires the provision of support; and

28 (5) The amount necessary to satisfy any lien imposed under chapter 35-34
29 or established as a judgment lien under section 14-08.1-05.

30 b. Be established, maintained, updated, and monitored on the basis of:

- 1 (1) Information on administrative actions and administrative and judicial
- 2 proceedings and orders relating to paternity and child support;
- 3 (2) Information obtained from comparison with federal, state, and local
- 4 sources of information;
- 5 (3) Information on child support collections and distributions; and
- 6 (4) Any other relevant information.

7 **SECTION 20. AMENDMENT.** Subdivision h of subsection 1 of section 50-09-08.2 of
8 the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

9 h. Enter into agreements with financial institutions doing business in the state,
10 and with the assistance, or through the agency, of the secretary, with financial
11 institutions doing business in two or more states:

- 12 (1) To develop and operate, in coordination with those financial institutions,
13 a data match system, using automated data exchanges to the
14 maximum extent feasible, in which each such financial institution is
15 required to provide in each calendar quarter the name, record address,
16 social security number or other taxpayer identification number, and
17 other identifying information for each noncustodial parent who
18 maintains an account at such financial institution and who owes past
19 due support, as identified by the state agency by name and social
20 security number or other taxpayer number; and
- 21 (2) Under which such financial institution, in response to a notice of lien or
22 an execution, will encumber or surrender, as the case may be, assets
23 held by such institution on behalf of any noncustodial parent who is
24 subject to a lien for unpaid child support.

25 **SECTION 21. AMENDMENT.** Section 50-09-08.3 of the 1997 Supplement to the North
26 Dakota Century Code is amended and reenacted as follows:

27 **50-09-08.3. Administrative enforcement in interstate cases.** In acting as the official
28 agency of the state in administering the child support program under title IV-D, the state
29 agency, directly or through agents and county agencies:

- 30 1. ~~Shall respond within five business days of receipt of a request made by another~~
31 state to enforce a child support order use high-volume automated administrative

- 1 enforcement, to the same extent as used in intrastate cases, in response to a
2 request made by another state to enforce a child support order, and shall promptly
3 report the results of such enforcement procedure to the requesting state;
- 4 2. May transmit requests, by electronic or other means, to other states ~~requests~~ for
5 assistance in cases involving enforcement of child support orders which include
6 information provided and intended to enable the receiving state to compare
7 information about the case to information in the data bases of the receiving state,
8 and which constitute a certification:
- 9 a. Of the amount of arrearages, if any, under the child support order; and
10 b. That procedural due process requirements applicable to the case have been
11 complied with;
- 12 3. In cases in which the state agency receives requests made by another state to
13 enforce a child support order, shall not consider that matter a child support case
14 transferred to this state; and
- 15 4. Shall maintain records of:
- 16 a. The number of requests for assistance made by other states;
17 b. The number of cases in which this state collected support in response to
18 requests made by other states; and
19 c. The amount of support collected.

20 For purposes of this section, the term "high-volume automated administrative enforcement"
21 means, in interstate cases, on request of another state, the identification, by this state, through
22 automated data matches with financial institutions and other entities where assets may be
23 found, of assets owned by persons who owe child support in another state, and the seizure of
24 such assets, by this state, through levy or other appropriate processes.

25 **SECTION 22. AMENDMENT.** Section 50-09-08.5 of the 1997 Supplement to the North
26 Dakota Century Code is amended and reenacted as follows:

27 **50-09-08.5. Securing assets to satisfy ~~past due~~ child support.** In acting as the
28 official agency of the state in administering the child support program under title IV-D, in cases
29 in which there is past due child support, the state agency may secure assets to satisfy any
30 current support obligation and the past due amount by issuing writs of execution under chapter
31 28-21. Those writs of execution may be used to secure or seize property including:

- 1 1. Periodic or lump sum payments from:
 - 2 a. An agency administering unemployment compensation benefits, workers'
 - 3 compensation benefits, or other benefits; and
 - 4 b. Judgments, settlements, and gaming proceeds otherwise belonging to the
 - 5 obligor, or payable upon the obligor's demand;
 - 6 2. Assets of the obligor held in financial institutions; and
 - 7 3. Public and private retirement funds.

8 **SECTION 23. REPEAL.** Section 14-09-14 of the North Dakota Century Code is
9 repealed.